



UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT EXAMINING OPERATIONS

Applicant: Seiji Yamashita

Group Art Unit: 1741

Serial No.: 09/507,212

Examiner: Thao Tran

Filed: February 18, 2000

Docket No.: P 00 572.006

Title: METHOD AND APPARATUS FOR REDUCING CONTAMINATION IN A  
PLASTIC CONTAINER

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on this 26th day of March 2001..

*Diane Thomas*  
Diane Thomas

Birdwell, Janke & Durando, PLC  
900 SW Fifth Avenue, Suite 1925  
Portland, OR 97204

March 26, 2001

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington DC 20231

Greetings:

In response to the Office action mailed March 13, 2001 in the above-captioned patent application, Applicant provisionally elects, with traverse as noted below, claims 10 - 13 for examination.

### Grounds for Traverse

Applicant respectfully traverses the restriction requirement, for the following reasons:

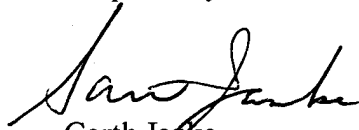
1. As the Examiner recognizes, the inventions of groups I and II are distinct only if (1) the method (of group I) can be practiced by a materially different apparatus, or (2) the apparatus (of group II) can be used to practice another materially different method. Clearly neither of these requirements are met. In fact, the method of claim 1 can *only* be practiced by the apparatus of claim 10, and the apparatus of claim 10 inevitably practices the method of claim 1. More particularly, Claim 1 from which all of the group I claims depend, is drawn to a method comprising coating selected portions of a plastic container with a coating of titanium dioxide. Claim 10, from which all of the group II claims depend, is drawn to the very same container produced by the method.

2. The Examiner further states that the inventions of the two groups are unrelated. She bases this assertion on the preambles of the claims, stating that “the apparatus is used to reduce contamination [of] an article[,] whereas the method is for reducing contamination inside a container.” This is incorrect for two reasons. First, it is incorrect as a matter of law to consider the claims to be completely defined by their preambles. In fact, preambles typically have no weight at all in determining the scope of a claim. Second, it is logically incorrect to assert that reducing contamination of an article inside a container is unrelated to reducing contamination inside the container. In fact, reducing contamination on an article inside a container necessarily reduces contamination in the container. So, rather than being unrelated as the Examiner asserts, the inventions are necessarily related.

3. The Examiner's suggestion that a different search would be required for (A) a plastic container having a coating of titanium dioxide, and (B) a method comprising producing a container having a coating of titanium dioxide, does not make any sense. Any reference that discloses coating a plastic container with titanium dioxide necessarily discloses a plastic container that is coated with titanium dioxide. Conversely, any reference that discloses a plastic container that is coated with titanium dioxide necessarily discloses the method of producing a plastic container coated with titanium dioxide.

For all of the foregoing reasons, Applicant respectfully submits that the restriction requirement should be withdrawn, and all of the claims of the application should be examined.

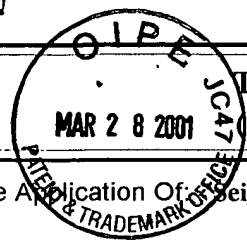
Respectfully submitted,



Garth Janke  
Reg. No. 40,662

OA.006

Gp1741



<b>TRANSMITTAL LETTER</b> (General - Patent Pending)	Docket No. P 00 572.006
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In Re Application Of: Seiji Yamashita

Serial No. 09/507,212	Filing Date February 18, 2000	Examiner Thao Tran	Group Art Unit 1741
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Title: **METHOD AND APPARATUS FOR RECUCING CONTAMINATION IN A PLASTIC CONTAINER**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

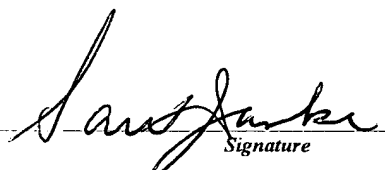
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**Response to Restriction Requirement**

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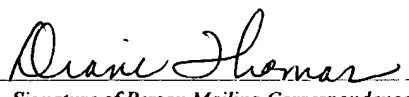
in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **02-2451** as described below. A duplicate copy of this sheet is enclosed.
  - ☐ Charge the amount of \_\_\_\_\_
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Signature

Dated: **March 26, 2001**

Garth Janke, Reg. No. 40,662  
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503-228-1841

I certify that this document and fee is being deposited on <b>March 23, 2001</b> with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.
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<b>Diane Thomas</b> Typed or Printed Name of Person Mailing Correspondence

CC:

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**Applicant(s): **Seiji Yamashita**

Docket No.

**P 00 572.006**

Serial No.

**09/507,212**

Filing Date

**February 18, 2000**

Examiner

**Thao Tran**

Group Art Unit

**1741**Invention: **METHOD AND APPARATUS FOR REDUCING CONTAMINATION IN A PLASTIC CONTAINER****MAR 28 2001**I hereby certify that this **Response to Restriction Requirement***(Identify type of correspondence)*

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1C 1100 MAIL ROOM****Diane Thomas***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.**